

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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| United States of America, |] | |
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| |] | |
| vs. |] | 2:05-CR-108-LSC |
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| George Hoey Morris, |] | |
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| |] | |

ORDER

Before this court is the appeal from the Order of Magistrate Judge Susan Russ Walker denying Defendant's request for psychiatric examination filed by the defendant on the 4th day of April 2007. (Doc. 227.) The Order from Magistrate Judge Walker issued on March 9, 2007 (Doc. 221) is AFFIRMED.

This Court has reviewed all of the matters presented by the parties. In addition, this Court presided over two trials of this defendant, as well as numerous pretrial proceedings, all of which resulted in this Court closely observing the defendant and his interactions with both his attorney and the Court. This Court recalls that the defendant was extensively involved in

making decisions as to how his trial and his defense proceeded. Throughout, the defendant demonstrated a comprehensive knowledge and understanding of the trial and pretrial process. At no time did this Court even remotely question the defendant's competence or see anything that would indicate a need for a psychiatric examination. Nothing has been presented in support of this motion or appeal that alters this Court's conclusion.

Further, this Court has reviewed the ruling of the magistrate judge on the defendant's motion *de novo* and, in doing so, has concluded that the request for examination was properly denied. "The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C.A. § 4241. There is "no reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the

nature and consequences of the proceedings against him or to assist properly in his defense.” *Id.*

The reasoning and findings of the magistrate judge’s order (Doc. 221) are adopted as if set out at this point *in extenso*.

Done this 13th day of April 2007.


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L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE